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<b>MAR 10 2020</b>	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

MEGHAN HILL,  
  
Plaintiff,  
  
vs.  
  
PCC STRUCTURALS, INC.  
and DOES I-X,  
  
Defendants.

Case No.: 3:19-cv-00699-MMD-WGC

**STIPULATION AND ORDER TO  
VACATE EARLY NEUTRAL  
EVALUATION AND STATUS  
CONFERENCE  
  
(First Request)**

Pursuant to Local Rule ("LR") LR IA 6-1, 6-2, LR 7-1, and 16-6, Defendant PCC Structural, Inc. ("Defendant") and Plaintiff Meghan Hill ("Plaintiff"), by and through their respective undersigned counsel, hereby request and stipulate to vacate the Status Conference currently set for March 25, 2020 at 2:00 p.m., and vacate the Early Neutral Evaluation ("ENE") currently set for April 1, 2020 at 1:30 p.m.

Defendant filed its Motion to Compel Arbitration on March 9, 2020. *See* ECF No. 18. The Ninth Circuit has held that, under the FAA, once a court is presented with a motion to compel arbitration, the court's jurisdiction is limited to making a determination about the arbitrability of the underlying dispute. *See Simula, Inc. v. Autoliv, Inc.*, 175 F.3d 716, 726 (9th Cir. 1999).

Federal courts, including courts in this jurisdiction and circuit, regularly vacate ENE's and stay discovery and other pre-trial obligations pending a decision on a party's motion to compel

arbitration. *See, e.g., Miceli*, 2016 WL 1170994, at \*2 (vacating scheduled ENE and issuing stay of discovery pending hearing on defendant's motion to compel arbitration); *Andrus*, 2012 WL 5989646, at \*4 (issuing stay of discovery pending hearing on defendant's motion to compel arbitration); *Steiner v. Apple Computer, Inc.*, 2007 WL 4219388, \*1 (N.D. Cal. Nov. 29, 2007) (a stay of initial scheduling obligations and discovery pending determination of motion to compel is prudent because, "[i]f a dispute is arbitrable, responsibility for the conduct of discovery lies with the arbitrators," not the court.); *Coneff v. AT&T Corp.*, 2007 WL 738612, at \*3 (W.D. Wash. Mar. 9, 2007) (staying all discovery on the merits until decision on motion to compel arbitration issued); *Merrill Lynch, Inc. v. Coors*, 357 F. Supp. 2d 1277, 1280 (D. Colo. 2004) (issuing stay of discovery on merits pending district court's decision on motion to compel in interests of judicial economy; noting that resolution of motion may dispose of action entirely); *Cunningham v. Van Ru Credit Corp.*, 2006 WL 2056576 (E.D. Mich. July 21, 2006) (same); *Intertec Contracting v. Turner Steiner Int'l.*, 2001 WL 81224, at \*7 (S.D. N.Y. 2001) (same); *see also Mundi*, 2007 WL 2385069, at \*5 (staying discovery pending interlocutory appeal of district court's decision to deny motion to compel arbitration); *Winig*, 2006 WL 3201047, at \*2 (holding that stay of discovery pending appeal was necessary to prevent irreparable harm to defendant – the loss of speed and economy associated with arbitration); *Alsacom v. ITT N. Elec. Co.*, 727 F.2d 1419, 1422 (9th Cir. 1984) (same). Further, the Court also has the inherent authority to stay discovery "to control the disposition of the cases on its docket with economy of time and effort for itself, for counsel, and for litigants." *Landis v. N. Am. Co.*, 299 U.S. 248, 254-55 (1936).

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1 In this case, there is good cause to vacate the Status Conference and ENE at this time, given  
2 the Defendant's Motion to Compel Arbitration. Therefore, the Parties respectfully request that this  
3 Court enter its Order vacating the Status Conference currently set for March 25, 2020 at 2:00 p.m.  
4 and the ENE currently set for April 1, 2020 at 1:30 p.m.

5 This requested stay is sought in good faith and not for purposes of causing any undue delay.

6 Dated this 9<sup>th</sup> day of March, 2020.

Dated this 9<sup>th</sup> day of March, 2020.

7 LAW OFFICE OF MARK MAUSERT

OGLETREE, DEAKINS, NASH, SMOAK  
& STEWART, P.C.

8  
9 /s/ Mark Mausert

/s/ Molly M. Rezac

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15 *Attorney for Plaintiff Meghan Hill*

*Attorney for Defendant PCC Structural, Inc.*

16 **ORDER**

17 IT IS SO ORDERED.

18   
19 UNITED STATES MAGISTRATE JUDGE

20 DATED: 3/10/2020